

Bill No. CS for CS for SB 972

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senators Casas and Webster moved the following amendment:

Senate Amendment (with title amendment)

On page 5, between lines 24 and 25,

insert:

Section 1. Paragraph (d) of subsection (3) of section 20.23, Florida Statutes, 1998 Supplement, is amended to read:

20.23 Department of Transportation.--There is created a Department of Transportation which shall be a decentralized agency.

(3)

(d)1. Policy, program, or operations offices shall be established within the central office for the purposes of:

a. Developing policy and procedures and monitoring performance to ensure compliance with these policies and procedures;

b. Performing statewide activities which it is more cost-effective to perform in a central location;

c. Assessing and ensuring the accuracy of information within the department's financial management information

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1 288.9607 Guaranty of bond issues.--

2 (7)(a) The corporation is authorized to enter into an
3 investment agreement with the Department of Transportation and
4 the State Board of Administration concerning the investment of
5 the earnings accrued and collected upon the investment of the
6 minimum balance of funds required to be maintained in the
7 State Transportation Trust Fund pursuant to s.
8 339.135(6)(b)~~(7)(b)~~. Such investment shall be limited as
9 follows:

10 1. Not more than \$4 million of the investment earnings
11 earned on the investment of the minimum balance of the State
12 Transportation Trust Fund in a fiscal year shall be at risk at
13 any time on one or more bonds or series of bonds issued by the
14 corporation.

15 2. The investment earnings shall not be used to
16 guarantee any bonds issued after June 30, 1998, and in no
17 event shall the investment earnings be used to guarantee any
18 bond issued for a maturity longer than 15 years.

19 3. The corporation shall pay a reasonable fee, set by
20 the State Board of Administration, in return for the
21 investment of such funds. The fee shall not be less than the
22 comparable rate for similar investments in terms of size and
23 risk.

24 4. The proceeds of bonds, or portions thereof, issued
25 by the corporation for which a guaranty has been or will be
26 issued pursuant to s. 288.9606, s. 288.9608, or this section
27 used to make loans to any one person, including any related
28 interests, as defined in s. 658.48, of such person, shall not
29 exceed 20 percent of the principal of all such outstanding
30 bonds of the corporation issued prior to the first composite
31 bond issue of the corporation, or December 31, 1995, whichever

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1 comes first, and shall not exceed 15 percent of the principal
 2 of all such outstanding bonds of the corporation issued
 3 thereafter, in each case determined as of the date of issuance
 4 of the bonds for which such determination is being made and
 5 taking into account the principal amount of such bonds to be
 6 issued. The provisions of this subparagraph shall not apply
 7 when the total amount of all such outstanding bonds issued by
 8 the corporation is less than \$10 million. For the purpose of
 9 calculating the limits imposed by the provisions of this
 10 subparagraph, the first \$10 million of bonds issued by the
 11 corporation shall be taken into account.

12 5. The corporation shall establish a debt service
 13 reserve account which contains not less than 6 months' debt
 14 service reserves from the proceeds of the sale of any bonds,
 15 or portions thereof, guaranteed by the corporation.

16 6. The corporation shall establish an account known as
 17 the Revenue Bond Guaranty Reserve Account, the Guaranty Fund.
 18 The corporation shall deposit a sum of money or other cash
 19 equivalents into this fund and maintain a balance of money or
 20 cash equivalents in this fund, from sources other than the
 21 investment of earnings accrued and collected upon the
 22 investment of the minimum balance of funds required to be
 23 maintained in the State Transportation Trust Fund, not less
 24 than a sum equal to 1 year of maximum debt service on all
 25 outstanding bonds, or portions thereof, of the corporation for
 26 which a guaranty has been issued pursuant to ss. 288.9606,
 27 288.9607, and 288.9608. In the event the corporation fails to
 28 maintain the balance required pursuant to this subparagraph
 29 for any reason other than a default on a bond issue of the
 30 corporation guaranteed pursuant to this section or because of
 31 the use by the corporation of any such funds to pay insurance,

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1 maintenance, or other costs which may be required for the
2 preservation of any project or other collateral security for
3 any bond issued by the corporation, or to otherwise protect
4 the Revenue Bond Guaranty Reserve Account from loss while the
5 applicant is in default on amortization payments, or to
6 minimize losses to the reserve account in each case in such
7 manner as may be deemed necessary or advisable by the
8 corporation, the corporation shall immediately notify the
9 Department of Transportation of such deficiency. Any
10 supplemental funding authorized by an investment agreement
11 entered into with the Department of Transportation and the
12 State Board of Administration concerning the use of investment
13 earnings of the minimum balance of funds is void unless such
14 deficiency of funds is cured by the corporation within 90 days
15 after the corporation has notified the Department of
16 Transportation of such deficiency.

17 Section 5. Subsection (3) of section 311.09, Florida
18 Statutes, is amended to read:

19 311.09 Florida Seaport Transportation and Economic
20 Development Council.--

21 (3) The council shall prepare a 5-year Florida Seaport
22 Mission Plan defining the goals and objectives of the council
23 concerning the development of port facilities and an
24 intermodal transportation system consistent with the goals of
25 the Florida Transportation Plan developed pursuant to s.
26 339.155. The Florida Seaport Mission Plan shall include
27 specific recommendations for the construction of
28 transportation facilities connecting any port to another
29 transportation mode and for the efficient, cost-effective
30 development of transportation facilities or port facilities
31 for the purpose of enhancing international trade, promoting

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1 cargo flow, increasing cruise passenger movements, increasing
2 port revenues, and providing economic benefits to the state.
3 The council shall update the 5-year Florida Seaport Mission
4 Plan annually and shall submit the plan no later than February
5 1 of each year to the President of the Senate; the Speaker of
6 the House of Representatives; the Office of Tourism, Trade,
7 and Economic Development; the Department of Transportation;
8 and the Department of Community Affairs. The council shall
9 develop programs, based on an examination of existing programs
10 in Florida and other states, for the training of minorities
11 and secondary school students in job skills associated with
12 employment opportunities in the maritime industry, and report
13 on progress and recommendations for further action to the
14 President of the Senate and the Speaker of the House of
15 Representatives annually, ~~beginning no later than February 1,~~
16 ~~1991.~~

17 Section 6. Subsection (16) of section 331.303, Florida
18 Statutes, is amended to read:

19 331.303 Definitions.--

20 (16) "Project" means any development, improvement,
21 property, launch, utility, facility, system, works, road,
22 sidewalk, enterprise, service, or convenience, which may
23 include coordination with Enterprise Florida, Inc. ~~the Florida~~
24 ~~High Technology and Industry Council~~, the Board of Regents,
25 and the Space Research Foundation; any rocket, capsule,
26 module, launch facility, assembly facility, operations or
27 control facility, tracking facility, administrative facility,
28 or any other type of space-related transportation vehicle,
29 station, or facility; any type of equipment or instrument to
30 be used or useful in connection with any of the foregoing; any
31 type of intellectual property and intellectual property

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1 protection in connection with any of the foregoing including,
2 without limitation, any patent, copyright, trademark, and
3 service mark for, among other things, computer software; any
4 water, wastewater, gas, or electric utility system, plant, or
5 distribution or collection system; any small business
6 incubator initiative, including any startup aerospace company,
7 research and development company, research and development
8 facility, storage facility, and consulting service; or any
9 tourism initiative, including any space experience attraction,
10 space-launch-related activity, and space museum sponsored or
11 promoted by the authority.

12 Section 7. Subsections (1), (4), and (21) of section
13 331.305, Florida Statutes, are amended to read:

14 331.305 Powers of the authority.--The authority shall
15 have the power to:

16 (1) Exercise all powers granted to corporations under
17 the Florida Business General Corporation Act, chapter 607.

18 (4) Review and make recommendations with respect to a
19 strategy to guide and facilitate the future of space-related
20 educational and commercial development. The authority shall
21 in coordination with the Federal Government, private industry,
22 and Florida universities develop a business plan which shall
23 address the expansion of Spaceport Florida locations, space
24 launch capacity, spaceport projects, and complementary
25 activities, which shall include, but not be limited to, a
26 detailed analysis of:

27 (a) The authority and the commercial space industry.

28 (b) Products, services description--potential,
29 technologies, skills.

30 (c) Market research and evaluation--customers,
31 competition, economics.

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- 1 (d) Marketing plan and strategy.
- 2 (e) Design and development plan--tasks, difficulties,
3 costs.
- 4 (f) Manufacturing locations, facilities, and
5 operations plan.
- 6 (g) Management organization--roles and
7 responsibilities.
- 8 (h) Overall schedule (monthly).
- 9 (i) Important risks, assumptions, and problems.
- 10 (j) Community impact--economic, human development,
11 community development.
- 12 (k) Financial plan (monthly for first year; quarterly
13 for next 3 years).
- 14 (l) Proposed authority offering--financing,
15 capitalization, use of funds.
- 16
- 17 ~~A final report containing the recommendations and business~~
18 ~~plan of the authority shall be completed and submitted prior~~
19 ~~to the 1990 Regular Session of the Legislature, along with any~~
20 ~~proposed statutory changes and related legislative budget~~
21 ~~requests required to implement the business plan, to the~~
22 ~~Governor, the President of the Senate, the Speaker of the~~
23 ~~House of Representatives, the minority leader of the Senate,~~
24 ~~and the minority leader of the House of Representatives.~~
- 25 (21) Issue revenue bonds, assessment bonds, or any
26 other bonds or obligations authorized by the provisions of
27 this act or any other law, or any combination of the
28 foregoing, and pay all or part of the cost of the acquisition,
29 construction, reconstruction, extension, repair, improvement,
30 or maintenance of any project or combination of projects,
31 including payloads and space flight hardware, and equipment

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1 for research, development, and educational activities, to
2 provide for any facility, service, or other activity of the
3 authority, and provide for the retirement or refunding of any
4 bonds or obligations of the authority, or for any combination
5 of the foregoing purposes. ~~Until December 31, 1994, bonds,~~
6 ~~other than conduit bonds, issued under the authority contained~~
7 ~~in this act shall not exceed a total of \$500 million and must~~
8 ~~first be approved by a majority of the members of the Governor~~
9 ~~and Cabinet.~~ The authority must provide 14 days' notice to
10 the presiding officers and appropriations chairs of both
11 houses of the Legislature prior to presenting a bond proposal
12 to the Governor and Cabinet. If either presiding officer or
13 appropriations chair objects to the bonding proposal within
14 the 14-day-notice period, the bond issuance may be approved
15 only by a vote of two-thirds of the members of the Governor
16 and Cabinet.

17 Section 8. Subsection (2) of section 331.308, Florida
18 Statutes, is amended to read:

19 331.308 Board of supervisors.--

20 (2) Initially, the Governor shall appoint four regular
21 members for terms of 3 years or until successors are appointed
22 and qualified and three regular members for terms of 4 years
23 or until successors are appointed and qualified. Thereafter,
24 each such member shall serve a term of 4 years or until a
25 successor is appointed and qualified. The term of each such
26 member shall be construed to commence on the date of
27 appointment and to terminate on June 30 of the year of the end
28 of the term. ~~The terms for such members initially appointed~~
29 ~~shall be construed to include the time between initial~~
30 ~~appointment and June 30, 1992, for those appointed for 3-year~~
31 ~~terms, and June 30, 1993, for those appointed for 4-year~~

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1 ~~terms. No such member shall be allowed to serve an initial~~
2 ~~3-year term or fill any vacancy for the remainder of a term~~
3 ~~for less than 4 years.~~ Appointment to the board shall not
4 preclude any such member from holding any other private or
5 public position.

6 Section 9. Subsection (1) of section 331.331, Florida
7 Statutes, is amended to read:

8 331.331 Revenue bonds.--

9 (1) Revenue bonds issued by the authority shall not be
10 deemed revenue bonds issued by the state or its agencies for
11 purposes of s. 11, Art. VII of the State Constitution and ss.
12 215.57-215.83. ~~However, until December 31, 1994, the power of~~
13 ~~the authority to issue revenue bonds shall be limited as~~
14 ~~provided in s. 331.305.~~ The authority shall include in its
15 annual report to the Governor and Legislature, as provided in
16 s. 331.310, a summary of the status of existing and proposed
17 bonding projects.

18 Section 10. Paragraph (d) of subsection (25) of
19 section 334.03, Florida Statutes, is amended to read:

20 334.03 Definitions.--When used in the Florida
21 Transportation Code, the term:

22 (25) "State Highway System" means the following, which
23 shall be facilities to which access is regulated:

24 (d) The urban minor arterial mileage on the existing
25 State Highway System as of July 1, 1987, plus additional
26 mileage to comply with the 2-percent requirement as described
27 below. ~~These urban minor arterial routes shall be selected in~~
28 ~~accordance with s. 335.04(1)(a) and (b).~~

29
30 However, not less than 2 percent of the public road mileage of
31 each urbanized area on record as of June 30, 1986, shall be

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1 included as minor arterials in the State Highway System.
2 Urbanized areas not meeting the foregoing minimum requirement
3 shall have transferred to the State Highway System additional
4 minor arterials of the highest significance in which case the
5 total minor arterials in the State Highway System from any
6 urbanized area shall not exceed 2.5 percent of that area's
7 total public urban road mileage.

8 Section 11. Subsection (5) of section 335.074, Florida
9 Statutes, is amended to read:

10 335.074 Safety inspection of bridges.--

11 ~~(5) The department shall prepare a report of its~~
12 ~~findings with respect to each such bridge or other structure~~
13 ~~whereon significant structural deficiencies were discovered~~
14 ~~and transmit a summary of the findings as part of the report~~
15 ~~required in s. 334.046(3).~~

16 Section 12. Section 335.165, Florida Statutes, is
17 repealed.

18 Section 13. Subsection (2) of section 335.182, Florida
19 Statutes, is amended to read:

20 335.182 Regulation of connections to roads on State
21 Highway System; definitions.--

22 (2) The department shall, ~~no later than July 1, 1989,~~
23 adopt, by rule, administrative procedures for its issuance and
24 modification of access permits, closing of unpermitted
25 connections, and revocation of permits in accordance with this
26 act.

27 Section 14. Paragraphs (a) and (e) of subsection (3)
28 of section 335.188, Florida Statutes, are amended to read:

29 335.188 Access management standards; access control
30 classification system; criteria.--

31 (3) The control classification system shall be

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1 developed consistent with the following:

2 (a) The department shall, ~~no later than July 1, 1990,~~
3 adopt rules setting forth procedures governing the
4 implementation of the access control classification system
5 required by this act. The rule shall provide for input from
6 the entities described in paragraph (b) as well as for public
7 meetings to discuss the access control classification system.
8 Nothing in this act affects the validity of the department's
9 existing or subsequently adopted rules concerning access to
10 the State Highway System. Such rules shall remain in effect
11 until repealed or replaced by the rules required by this act.

12 (e) An access control category shall be assigned to
13 each segment of the State Highway System ~~by July 1, 1993.~~

14 Section 15. Section 336.01, Florida Statutes, is
15 reenacted to read:

16 336.01 Designation of county road system.--The county
17 road system shall be as defined in s. 334.03(8).

18 Section 16. Subsection (2) of section 336.044, Florida
19 Statutes, is amended to read:

20 336.044 Use of recyclable materials in construction.--

21 (2) The Legislature declares it to be in the public
22 interest to find alternative ways to use certain recyclable
23 materials that currently are part of the solid waste stream
24 and that contribute to problems of declining space in
25 landfills. To determine the feasibility of using certain
26 recyclable materials for paving materials, the department may
27 ~~shall before January 1, 1990, undertake, as part of its~~
28 ~~currently scheduled projects, demonstration projects using the~~
29 following materials in road construction:

30 (a) Ground rubber from automobile tires in road
31 resurfacing or subbase materials for roads;

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1 (b) Ash residue from coal combustion byproducts for
 2 concrete and ash residue from waste incineration facilities
 3 and oil combustion byproducts for subbase material;

4 (c) Recycled mixed-plastic material for guardrail
 5 posts or right-of-way fence posts;

6 (d) Construction steel, including reinforcing rods and
 7 I-beams, manufactured from scrap metals disposed of in the
 8 state; and

9 (e) Glass, and glass aggregates.

10
 11 ~~Within 1 year after the conclusion of the demonstration~~
 12 ~~projects the department shall report to the Governor and the~~
 13 ~~Legislature on the maximum percentage of each recyclable~~
 14 ~~material that can be effectively utilized in road construction~~
 15 ~~projects. Concurrent with the submission of the report the~~
 16 ~~department shall review and modify its standard road and~~
 17 ~~bridge construction specifications to allow and encourage the~~
 18 ~~use of recyclable materials consistent with the findings of~~
 19 ~~the demonstration projects.~~

20 Section 17. Subsection (7) of section 337.015, Florida
 21 Statutes, is amended to read:

22 337.015 Administration of public
 23 contracts.--Recognizing that the inefficient and ineffective
 24 administration of public contracts inconveniences the
 25 traveling public, increases costs to taxpayers, and interferes
 26 with commerce, the Legislature hereby determines and declares
 27 that:

28 ~~(7) The department in its annual report required in s.~~
 29 ~~334.22(2) shall report how the department complied with this~~
 30 ~~section for the preceding fiscal year.~~

31 Section 18. Section 337.139, Florida Statutes, is

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1 amended to read:

2 337.139 Efforts to encourage awarding contracts to
3 disadvantaged business enterprises.--In implementing chapter
4 90-136, Laws of Florida, the Department of Transportation
5 shall institute procedures to encourage the awarding of
6 contracts for professional services and construction to
7 disadvantaged business enterprises. For the purposes of this
8 section, the term "disadvantaged business enterprise" means a
9 small business concern certified by the Department of
10 Transportation to be owned and controlled by socially and
11 economically disadvantaged individuals as defined by the
12 Surface Transportation and Uniform Relocation Act of 1987.
13 The Department of Transportation shall develop and implement
14 activities to encourage the participation of disadvantaged
15 business enterprises in the contracting process ~~and shall~~
16 ~~report to the Legislature prior to January 1, 1991, on its~~
17 ~~efforts to increase disadvantaged business participation.~~

18 Such efforts may include:

19 (1) Presolicitation or prebid meetings for the purpose
20 of informing disadvantaged business enterprises of contracting
21 opportunities.

22 (2) Written notice to disadvantaged business
23 enterprises of contract opportunities for commodities or
24 contractual and construction services which the disadvantaged
25 business provides.

26 (3) Provision of adequate information to disadvantaged
27 business enterprises about the plans, specifications, and
28 requirements of contracts or the availability of jobs.

29 (4) Breaking large contracts into several
30 single-purpose contracts of a size which may be obtained by
31 certified disadvantaged business enterprises.

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1 Section 19. Subsection (3) of section 337.29, Florida
2 Statutes, is amended to read:

3 337.29 Vesting of title to roads; liability for
4 torts.--

5 (3) Title to all roads transferred in accordance with
6 the provisions of s. 335.0415 ~~335.04~~ shall be in the
7 governmental entity to which such roads have been transferred,
8 upon the recording of a right-of-way map by the appropriate
9 governmental entity in the public land records of the county
10 or counties in which such rights-of-way are located. To the
11 extent that sovereign immunity has been waived, liability for
12 torts shall be in the governmental entity having operation and
13 maintenance responsibility as provided in s. 335.0415
14 ~~335.04(2)~~. Except as otherwise provided by law, a
15 municipality shall have the same governmental, corporate, and
16 proprietary powers with relation to any public road or
17 right-of-way within the municipality which has been
18 transferred to another governmental entity pursuant to s.
19 335.0415 ~~335.04~~ that the municipality has with relation to
20 other public roads and rights-of-way within the municipality.

21 Section 20. Section 137 of chapter 96-320, Laws of
22 Florida, is repealed.

23 Section 21. Subsection (2) of section 337.407, Florida
24 Statutes, is amended to read:

25 337.407 Regulation of signs and lights within
26 rights-of-way.--

27 (2) The department has the authority to direct removal
28 of any sign erected in violation of subsection (1) paragraph
29 ~~(a)~~, in accordance with the provisions of chapter 479.

30 Section 22. Section 338.22, Florida Statutes, is
31 amended to read:

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1 338.22 Florida Turnpike Law; short title.--Sections
2 338.22-338.241 ~~338.22-338.244~~ may be cited as the "Florida
3 Turnpike Law."

4 Section 23. Section 338.221, Florida Statutes, is
5 amended to read:

6 338.221 Definitions of terms used in ss.
7 338.22-338.241 ~~338.22-338.244~~.--As used in ss. 338.22-338.241
8 ~~338.22-338.244~~, the following words and terms have the
9 following meanings, unless the context indicates another or
10 different meaning or intent:

11 (1) "Bonds" or "revenue bonds" means notes, bonds,
12 refunding bonds or other evidences of indebtedness or
13 obligations, in either temporary or definitive form, issued by
14 the Division of Bond Finance on behalf of the department and
15 authorized under the provisions of ss. 338.22-338.241
16 ~~338.22-338.244~~ and the State Bond Act.

17 (2) "Cost," as applied to a turnpike project, includes
18 the cost of acquisition of all land, rights-of-way, property,
19 easements, and interests acquired by the department for
20 turnpike project construction; the cost of such construction;
21 the cost of all machinery and equipment, financing charges,
22 fees, and expenses related to the financing; establishment of
23 reserves to secure bonds; interest prior to and during
24 construction and for such period after completion of
25 construction as shall be determined by the department; the
26 cost of traffic estimates and of engineering and legal
27 expenses, plans, specifications, surveys, estimates of cost
28 and revenues; other expenses necessary or incident to
29 determining the feasibility or practicability of acquiring or
30 constructing any such turnpike project; administrative
31 expenses; and such other expenses as may be necessary or

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1 incident to the acquisition or construction of a turnpike
2 project, the financing of such acquisition or construction,
3 and the placing of the turnpike project in operation.

4 (3) "Feeder road" means any road no more than 5 miles
5 in length, connecting to the turnpike system which the
6 department determines is necessary to create or facilitate
7 access to a turnpike project.

8 (4) "Owner" includes any person or any governmental
9 entity that has title to, or an interest in, any property,
10 right, easement, or interest authorized to be acquired
11 pursuant to ss. 338.22-338.241 ~~338.22-338.244~~.

12 (5) "Revenues" means all tolls, charges, rentals,
13 gifts, grants, moneys, and other funds coming into the
14 possession, or under the control, of the department by virtue
15 of the provisions hereof, except the proceeds from the sale of
16 bonds issued under ss. 338.22-338.241 ~~338.22-338.244~~.

17 (6) "Turnpike system" means those limited access toll
18 highways and associated feeder roads and other structures,
19 appurtenances, or rights previously designated, acquired, or
20 constructed pursuant to the Florida Turnpike Law and such
21 other additional turnpike projects as may be acquired or
22 constructed as approved by the Legislature.

23 (7) "Turnpike improvement" means any betterment
24 necessary or desirable for the operation of the turnpike
25 system, including, but not limited to, widenings, the addition
26 of interchanges to the existing turnpike system, resurfacings,
27 toll plazas, machinery, and equipment.

28 (8) "Economically feasible" means:

29 (a) For a proposed turnpike project, that, as
30 determined by the department before the issuance of revenue
31 bonds for the project, the estimated net revenues of the

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1 proposed turnpike project, excluding feeder roads and turnpike
2 improvements, will be sufficient to pay at least 50 percent of
3 the debt service on the bonds by the end of the 5th year of
4 operation and to pay at least 100 percent of the debt service
5 on the bonds by the end of the 15th year of operation. In
6 implementing this paragraph, up to 50 percent of the adopted
7 work program costs of the project may be funded from turnpike
8 revenues.

9 (b) For turnpike projects, except for feeder roads and
10 turnpike improvements, financed from revenues of the turnpike
11 system, such project, or such group of projects, originally
12 financed from revenues of the turnpike system, that the
13 project is expected to generate sufficient revenues to
14 amortize project costs within 15 years of opening to traffic.

15

16 This subsection does not prohibit the pledging of revenues
17 from the entire turnpike system to bonds issued to finance or
18 refinance a turnpike project or group of turnpike projects.

19 (9) "Turnpike project" means any extension to or
20 expansion of the existing turnpike system and new limited
21 access toll highways and associated feeder roads and other
22 structures, interchanges, appurtenances, or rights as may be
23 approved in accordance with the Florida Turnpike Law.

24 (10) "Statement of environmental feasibility" means a
25 statement by the Department of Environmental Protection of the
26 project's significant environmental impacts.

27 Section 24. Section 338.222, Florida Statutes, is
28 reenacted to read:

29 338.222 Department of Transportation sole governmental
30 entity to acquire, construct, or operate turnpike projects;
31 exception.--

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1 (1) No governmental entity other than the department
2 may acquire, construct, maintain, or operate the turnpike
3 system subsequent to the enactment of this law, except upon
4 specific authorization of the Legislature.

5 (2) The department may contract with any local
6 governmental entity as defined in s. 334.03(14) for the
7 design, right-of-way acquisition, or construction of any
8 turnpike project which the Legislature has approved. Local
9 governmental entities may negotiate with the department for
10 the design, right-of-way acquisition, and construction of any
11 section of the turnpike project within areas of their
12 respective jurisdictions or within counties with which they
13 have interlocal agreements.

14 Section 25. Section 338.223, Florida Statutes, is
15 reenacted and amended to read:

16 338.223 Proposed turnpike projects.--

17 (1)(a) Any proposed project to be constructed or
18 acquired as part of the turnpike system and any turnpike
19 improvement shall be included in the tentative work program.
20 No proposed project or group of proposed projects shall be
21 added to the turnpike system unless such project or projects
22 are determined to be economically feasible and a statement of
23 environmental feasibility has been completed for such project
24 or projects and such projects are determined to be consistent,
25 to the maximum extent feasible, with approved local government
26 comprehensive plans of the local governments in which such
27 projects are located. The department may authorize engineering
28 studies, traffic studies, environmental studies, and other
29 expert studies of the location, costs, economic feasibility,
30 and practicality of proposed turnpike projects throughout the
31 state and may proceed with the design phase of such projects.

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1 The department shall not request legislative approval of a
2 proposed turnpike project until the design phase of that
3 project is at least 60 percent complete. If a proposed
4 project or group of proposed projects is found to be
5 economically feasible, consistent, to the maximum extent
6 feasible, with approved local government comprehensive plans
7 of the local governments in which such projects are located,
8 and a favorable statement of environmental feasibility has
9 been completed, the department, with the approval of the
10 Legislature, shall, after the receipt of all necessary
11 permits, construct, maintain, and operate such turnpike
12 projects.

13 (b) Any proposed turnpike project or improvement shall
14 be developed in accordance with the Florida Transportation
15 Plan and the work program pursuant to s. 339.135. Turnpike
16 projects that add capacity, alter access, affect feeder roads,
17 or affect the operation of the local transportation system
18 shall be included in the transportation improvement plan of
19 the affected metropolitan planning organization. If such
20 turnpike project does not fall within the jurisdiction of a
21 metropolitan planning organization, the department shall
22 notify the affected county and provide for public hearings in
23 accordance with s. 339.155(6)(c).

24 (c) Prior to requesting legislative approval of a
25 proposed turnpike project, the environmental feasibility of
26 the proposed project shall be reviewed by the Department of
27 Environmental Protection. The department shall submit its
28 Project Development and Environmental Report to the Department
29 of Environmental Protection, along with a draft copy of a
30 public notice. Within 14 days of receipt of the draft public
31 notice, the Department of Environmental Protection shall

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1 return the draft public notice to the Department of
2 Transportation with an approval of the language or
3 modifications to the language. Upon receipt of the approved or
4 modified draft, or if no comments are provided within 14 days,
5 the Department of Transportation shall publish the notice in a
6 newspaper to provide a 30-day public comment period. The
7 headline of the required notice shall be in a type no smaller
8 than 18 point. The notice shall be placed in that portion of
9 the newspaper where legal notices appear. The notice shall be
10 published in a newspaper of general circulation in the county
11 or counties of general interest and readership in the
12 community as provided in s. 50.031, not one of limited subject
13 matter. Whenever possible, the notice shall appear in a
14 newspaper that is published at least 5 days a week. The notice
15 shall include, but is not limited to, the following
16 information:

17 1. The purpose of the notice is to provide for a
18 30-day period for written public comments on the environmental
19 impacts of a proposed turnpike project.

20 2. The name and description of the project, along with
21 a geographic location map clearly indicating the area where
22 the proposed project will be located.

23 3. The address where such comments must be sent and
24 the date such comments are due.

25
26 After a review of the department's report and any public
27 comments, the Department of Environmental Protection shall
28 submit a statement of environmental feasibility to the
29 department within 30 days after the date on which public
30 comments are due. The notice and the statement of
31 environmental feasibility shall not give rise to any rights to

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1 a hearing or other rights or remedies provided pursuant to
2 chapter 120 or chapter 403, and shall not bind the Department
3 of Environmental Protection in any subsequent environmental
4 permit review.

5 (2)(a) Subject to the provisions of s. 338.228, the
6 department is authorized to expend, out of any funds available
7 for the purpose, such moneys as may be necessary for studies,
8 preliminary engineering, construction, right-of-way
9 acquisition, and construction engineering inspection of any
10 turnpike project and is authorized to use its engineering and
11 other resources for such purposes.

12 (b) In accordance with the legislative intent
13 expressed in s. 337.273, the department may acquire lands and
14 property before making a final determination of the economic
15 feasibility of a project. The cost of advance acquisition of
16 right-of-way may be paid from bonds issued under s. 337.276 or
17 from turnpike revenues.

18 (3) All obligations and expenses incurred by the
19 department under this section shall be paid by the department
20 and charged to the appropriate turnpike project. The
21 department shall keep proper records and accounts showing each
22 amount that is so charged. All obligations and expenses so
23 incurred shall be treated as part of the cost of such project
24 and shall be reimbursed to the department out of turnpike
25 revenues or out of the bonds authorized under ss.
26 338.22-338.241 ~~338.22-338.244~~ except when such reimbursement
27 is prohibited by state or federal law.

28 (4) The department is authorized, with the approval of
29 the Legislature, to use federal and state transportation funds
30 to lend or pay a portion of the operating, maintenance, and
31 capital costs of turnpike projects. Federal and state

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1 transportation funds included in an adopted work program, or
2 the General Appropriations Act, for a turnpike project do not
3 have to be reimbursed to the State Transportation Trust Fund,
4 or used in determining the economic feasibility of the
5 proposed project. For operating and maintenance loans, the
6 maximum net loan amount in any fiscal year shall not exceed
7 0.5 percent of state transportation tax revenues for that
8 fiscal year.

9 Section 26. Section 338.225, Florida Statutes, is
10 amended to read:

11 338.225 Taking of public road for feeder road.--Before
12 taking over any existing public road for maintenance and
13 operation as a feeder road, the department shall obtain the
14 consent of the governmental entity then exercising
15 jurisdiction over the road, which governmental entity is
16 authorized to give such consent by resolution. Each feeder
17 road or portion of a feeder road acquired, constructed, or
18 taken over under this section for maintenance and operation
19 shall, for all purposes of ss. 338.22-338.241 ~~338.22-338.244~~,
20 be deemed to constitute a part of the turnpike system, except
21 that no toll shall be charged for transit between points on
22 such feeder road.

23 Section 27. Subsection (2) of section 338.227, Florida
24 Statutes, is amended to read:

25 338.227 Turnpike revenue bonds.--

26 (2) The proceeds of the bonds of each issue shall be
27 used solely for the payment of the cost of the turnpike
28 projects for which such bonds shall have been issued, except
29 as provided in the State Bond Act. Such proceeds shall be
30 disbursed and used as provided by ss. 338.22-338.241
31 ~~338.22-338.244~~ and in such manner and under such restrictions,

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1 if any, as the Division of Bond Finance may provide in the
2 resolution authorizing the issuance of such bonds or in the
3 trust agreement hereinafter mentioned securing the same. All
4 revenues and bond proceeds from the turnpike system received
5 by the department pursuant to ss. 338.22-338.241
6 ~~338.22-338.244~~, the Florida Turnpike Law, shall be used only
7 for the cost of turnpike projects and turnpike improvements
8 and for the administration, operation, maintenance, and
9 financing of the turnpike system. No revenues or bond proceeds
10 from the turnpike system shall be spent for the operation,
11 maintenance, construction, or financing of any project which
12 is not part of the turnpike system.

13 Section 28. Section 338.228, Florida Statutes, is
14 amended to read:

15 338.228 Bonds not debts or pledges of credit of
16 state.--Turnpike revenue bonds issued under the provisions of
17 ss. 338.22-338.241 ~~338.22-338.244~~ are not debts of the state
18 or pledges of the faith and credit of the state. Such bonds
19 are payable exclusively from revenues pledged for their
20 payment. All such bonds shall contain a statement on their
21 face that the state is not obligated to pay the same or the
22 interest thereon, except from the revenues pledged for their
23 payment, and that the faith and credit of the state is not
24 pledged to the payment of the principal or interest of such
25 bonds. The issuance of turnpike revenue bonds under the
26 provisions of ss. 338.22-338.241 ~~338.22-338.244~~ does not
27 directly, indirectly, or contingently obligate the state to
28 levy or to pledge any form of taxation whatsoever, or to make
29 any appropriation for their payment. Except as provided in
30 ss. 338.001, 338.223, and 338.2275, no state funds shall be
31 used on any turnpike project or to pay the principal or

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1 interest of any bonds issued to finance or refinance any
2 portion of the turnpike system, and all such bonds shall
3 contain a statement on their face to this effect.

4 Section 29. Section 338.229, Florida Statutes, is
5 amended to read:

6 338.229 Pledge to bondholders not to restrict certain
7 rights of department.--The state does pledge to, and agree
8 with, the holders of the bonds issued pursuant to ss.
9 338.22-338.241 ~~338.22-338.244~~ that the state will not limit or
10 restrict the rights vested in the department to construct,
11 reconstruct, maintain, and operate any turnpike project as
12 defined in ss. 338.22-338.241 ~~338.22-338.244~~ or to establish
13 and collect such tolls or other charges as may be convenient
14 or necessary to produce sufficient revenues to meet the
15 expenses of maintenance and operation of the turnpike system
16 and to fulfill the terms of any agreements made with the
17 holders of bonds authorized by this act and that the state
18 will not in any way impair the rights or remedies of the
19 holders of such bonds until the bonds, together with interest
20 on the bonds, are fully paid and discharged.

21 Section 30. Subsections (6) and (7) of section
22 338.231, Florida Statutes, are amended to read:

23 338.231 Turnpike tolls, fixing; pledge of tolls and
24 other revenues.--The department shall at all times fix,
25 adjust, charge, and collect such tolls for the use of the
26 turnpike system as are required in order to provide a fund
27 sufficient with other revenues of the turnpike system to pay
28 the cost of maintaining, improving, repairing, and operating
29 such turnpike system; to pay the principal of and interest on
30 all bonds issued to finance or refinance any portion of the
31 turnpike system as the same become due and payable; and to

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1 create reserves for all such purposes.

2 (6) In each fiscal year while any of the bonds of the
3 Broward County Expressway Authority series 1984 and series
4 1986-A remain outstanding, the department is authorized to
5 pledge revenues from the turnpike system to the payment of
6 principal and interest of such series of bonds, the repayment
7 of Broward County gasoline tax funds as provided in s.
8 338.2275(3)~~(4)~~, and the operation and maintenance expenses of
9 the Sawgrass Expressway, to the extent gross toll revenues of
10 the Sawgrass Expressway are insufficient to make such
11 payments. The terms of an agreement relative to the pledge of
12 turnpike system revenue will be negotiated with the parties of
13 the 1984 and 1986 Broward County Expressway Authority
14 lease-purchase agreements, and subject to the covenants of
15 those agreements. The agreement shall establish that the
16 Sawgrass Expressway shall be subject to the planning,
17 management, and operating control of the department limited
18 only by the terms of the lease-purchase agreements. The
19 department shall provide for the payment of operation and
20 maintenance expenses of the Sawgrass Expressway until such
21 agreement is in effect. This pledge of turnpike system
22 revenues shall be subordinate to the debt service requirements
23 of any future issue of turnpike bonds, the payment of turnpike
24 system operation and maintenance expenses, and subject to
25 provisions of any subsequent resolution or trust indenture
26 relating to the issuance of such turnpike bonds.

27 (7) The use and disposition of revenues pledged to
28 bonds are subject to the provisions of ss. 338.22-338.241
29 ~~338.22-338.244~~ and such regulations as the resolution
30 authorizing the issuance of such bonds or such trust agreement
31 may provide.

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1 Section 31. Section 338.232, Florida Statutes, is
2 amended to read:

3 338.232 Continuation of tolls upon provision for
4 payment of bondholders and assumption of maintenance by
5 department.--When all revenue bonds issued under the
6 provisions of ss. 338.22-338.241 ~~338.22-338.244~~ in connection
7 with the turnpike system and the interest on the bonds have
8 been paid, or an amount sufficient to provide for the payment
9 of all such bonds and the interest on the bonds to the
10 maturity of the bonds, or such earlier date on which the bonds
11 may be called, has been set aside in trust for the benefit of
12 the bondholders, the department may assume the maintenance of
13 the turnpike system as part of the State Highway System,
14 except that the turnpike system shall remain subject to
15 sufficient tolls to pay the cost of the maintenance, repair,
16 improvement, and operation of the system and the construction
17 of turnpike projects.

18 Section 32. Section 338.239, Florida Statutes, is
19 amended to read:

20 338.239 Traffic control on the turnpike system.--

21 (1) The department is authorized to adopt rules with
22 respect to the use of the turnpike system, which rules must
23 relate to vehicular speeds, loads and dimensions, safety
24 devices, rules of the road, and other matters necessary to
25 carry out the purposes of ss. 338.22-338.241 ~~338.22-338.244~~.
26 Insofar as these rules may be inconsistent with the provisions
27 of chapter 316, the rules control. A violation of these rules
28 must be punished pursuant to chapters 316 and 318.

29 (2) Members of the Florida Highway Patrol are vested
30 with the power, and charged with the duty, to enforce the
31 rules of the department. Expenses incurred by the Florida

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1 Highway Patrol in carrying out its powers and duties under ss.
2 338.22-338.241 ~~338.22-338.244~~ may be treated as a part of the
3 cost of the operation of the turnpike system, and the
4 Department of Highway Safety and Motor Vehicles shall be
5 reimbursed by the Department of Transportation for such
6 expenses incurred on the turnpike mainline, which is that part
7 of the turnpike system extending from the southern terminus in
8 Florida City to the northern terminus in Wildwood including
9 all contiguous sections.

10 Section 33. Subsection (4) of section 339.08, Florida
11 Statutes, is amended to read:

12 339.08 Use of moneys in State Transportation Trust
13 Fund.--

14 (4) The department may authorize the investment of the
15 earnings accrued and collected upon the investment of the
16 minimum balance of funds required to be maintained in the
17 State Transportation Trust Fund pursuant to s. 339.135(6)(b)
18 ~~(7)(b)~~. Such investment shall be limited as provided in s.
19 288.9607(7).

20 Section 34. Section 339.091, Florida Statutes, is
21 repealed.

22 Section 35. Paragraph (e) of subsection (7) of section
23 339.135, Florida Statutes, is reenacted to read:

24 339.135 Work program; legislative budget request;
25 definitions; preparation, adoption, execution, and
26 amendment.--

27 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

28 (e) Notwithstanding the requirements in paragraph (d)
29 and ss. 216.177(2) and 216.351, the secretary may request the
30 Executive Office of the Governor to amend the adopted work
31 program when an emergency exists, as defined in s. 252.34(3),

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1 and the emergency relates to the repair or rehabilitation of
2 any state transportation facility. The Executive Office of
3 the Governor may approve the amendment to the adopted work
4 program and amend that portion of the department's approved
5 budget in the event that the delay incident to the
6 notification requirements in paragraph (d) would be
7 detrimental to the interests of the state. However, the
8 department shall immediately notify the parties specified in
9 paragraph (d) and shall provide such parties written
10 justification for the emergency action within 7 days of the
11 approval by the Executive Office of the Governor of the
12 amendment to the adopted work program and the department's
13 budget. In no event may the adopted work program be amended
14 under the provisions of this subsection without the
15 certification by the comptroller of the department that there
16 are sufficient funds available pursuant to the 36-month cash
17 forecast and applicable statutes.

18 Section 36. Sections 339.145 and 339.147, Florida
19 Statutes, are repealed.

20 Section 37. Paragraph (a) of subsection (10) of
21 section 339.175, Florida Statutes, 1998 Supplement, is amended
22 to read:

23 339.175 Metropolitan planning organization.--It is the
24 intent of the Legislature to encourage and promote the
25 development of transportation systems embracing various modes
26 of transportation in a manner that will maximize the mobility
27 of people and goods within and through urbanized areas of this
28 state and minimize, to the maximum extent feasible, and
29 together with applicable regulatory government agencies,
30 transportation-related fuel consumption and air pollution. To
31 accomplish these objectives, metropolitan planning

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1 organizations, referred to in this section as M.P.O.'s, shall
2 develop, in cooperation with the state, transportation plans
3 and programs for metropolitan areas. Such plans and programs
4 must provide for the development of transportation facilities
5 that will function as an intermodal transportation system for
6 the metropolitan area. The process for developing such plans
7 and programs shall be continuing, cooperative, and
8 comprehensive, to the degree appropriate, based on the
9 complexity of the transportation problems.

10 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
11 COUNCIL.--

12 (a) A Metropolitan Planning Organization Advisory
13 Council is created to augment, and not supplant, the role of
14 the individual M.P.O.'s in the cooperative transportation
15 planning process described in this section ~~s. 339.155(5)~~.

16 Section 38. Paragraph (a) of subsection (7) of section
17 339.2405, Florida Statutes, is amended to read:

18 339.2405 Florida Highway Beautification Council.--

19 (7)(a) The duties of the council shall be to:

20 1. Provide information to local governments and local
21 highway beautification councils regarding the state highway
22 beautification grants program.

23 2. Accept grant requests from local governments.

24 3. Review grant requests for compliance with council
25 rules.

26 4. Establish rules for evaluating and prioritizing the
27 grant requests. The rules must include, but are not limited
28 to, an examination of each grant's aesthetic value,
29 cost-effectiveness, level of local support, feasibility of
30 installation and maintenance, and compliance with state and
31 federal regulations. Rules adopted by the council which it

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1 uses to evaluate grant applications must take into
2 consideration the contributions made by the highway
3 beautification project in preventing litter.

4 5. Maintain a prioritized list of approved grant
5 requests. The list must include recommended funding levels
6 for each request and, if staged implementation is appropriate,
7 funding requirements for each stage shall be provided.

8 6. Assess the feasibility of planting and maintaining
9 indigenous wildflowers and plants, instead of sod
10 groundcovers, along the rights-of-way of state roads and
11 highways. In making such assessment, the council shall
12 utilize data from other states which include indigenous
13 wildflower and plant species in their highway vegetative
14 management systems. ~~The council shall complete its assessment
15 and present a report to the head of the department by July 1,
16 1988.~~

17 Section 39. Paragraph (g) of subsection (2) of section
18 339.241, Florida Statutes, is amended to read:

19 339.241 Florida Junkyard Control Law.--

20 (2) DEFINITIONS.--Wherever used or referred to in this
21 section, unless a different meaning clearly appears from the
22 context, the term:

23 (g) "Junk," "junkyard," and "scrap metal processing
24 facility" mean the same as defined in 23 U.S.C. s. 136
25 ~~described in s. 205.371(1)(a), (b), and (e).~~

26 Section 40. Section 341.051, Florida Statutes, is
27 amended to read:

28 341.051 Administration and financing of public transit
29 programs and projects.--

30 (1) FEDERAL AID.--

31 (a) The department is authorized to receive federal

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1 grants or apportionments for public transit projects in this
2 state.

3 (b) Local governmental entities are authorized to
4 receive federal grants or apportionments for public transit
5 and commuter assistance projects. In addition, the provisions
6 of s. 337.403 notwithstanding, if the relocation of utility
7 facilities is necessitated by the construction of a
8 fixed-guideway public transit project and the utilities
9 relocation is approved as a part of the project by a
10 participating federal agency (if eligible for federal matching
11 reimbursement), then any county chartered under s. 6(e), Art.
12 VIII of the State Constitution shall pay at least 50 percent
13 of the nonfederal share of the cost attributable to such
14 relocation after deducting therefrom any increase in the value
15 of the new facility and any salvage value derived from the old
16 facility. The balance of the nonfederal share shall be paid
17 by the utility.

18 (2) PUBLIC TRANSIT PLAN.--

19 (a) The department shall prepare a public transit plan
20 which shall be included in the tentative work program of the
21 department prepared pursuant to s. 339.135(4). The provisions
22 of s. 339.135 apply to public transit projects in the same
23 manner that they apply to other transportation facility
24 construction projects. Any planned department participation
25 shall be in accordance with subsection (5).

26 (b) The public transit plan shall be consistent with
27 the local plans developed in accordance with the comprehensive
28 transportation planning process. Projects that involve funds
29 administered by the department, and that will be undertaken
30 and implemented by another public agency, shall be included in
31 the public transit plan upon the request of that public

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1 agency, providing such project is eligible under the
2 requirements established herein and subject to estimated
3 availability of funds. Projects so included in the plan shall
4 not be altered or removed from priority status without notice
5 to the public agency or local governmental entities involved.

6 (3) APPROPRIATION REQUESTS.--

7 (a) Public transit funds shall be requested on the
8 basis of the funding required for the public transit plan.
9 Appropriation requests shall identify each public transit
10 project calling for a state expenditure of \$500,000 or more.

11 (b) Public transit service development projects and
12 transit corridor projects shall be individually identified in
13 the appropriation request by the department. Such request
14 shall show a breakdown of funds showing capital and operating
15 expense.

16 (c) Unless otherwise authorized by the Legislature,
17 the department is prohibited from entering into any agreement
18 or contract for a public transit project which would result in
19 the ultimate expenditure or commitment of state funds in
20 excess of \$5 million.

21 (4) PROJECT ELIGIBILITY.--

22 (a) Any project that is necessary to meet the program
23 objectives enumerated in s. 341.041, that conforms to the
24 provisions of this section, and that is contained in the local
25 transportation improvement program and the adopted work
26 program of the department is eligible for the expenditure of
27 state funds for transit purposes.

28 1. The project shall be a project for service or
29 transportation facilities provided by the department under the
30 provisions of this act, a public transit capital project, a
31 commuter assistance project, a public transit service

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1 development project, or a transit corridor project.

2 2. The project must be approved by the department as
3 being consistent with the criteria established pursuant to the
4 provisions of this act.

5 (b) Such expenditures shall be in accordance with the
6 fund participation rates and the criteria established in this
7 section for project development and implementation, and are
8 subject to approval by the department as being consistent with
9 the Florida Transportation Plan and regional transportation
10 goals and objectives.

11 (c) Unless otherwise authorized by the Legislature,
12 the department is prohibited from entering into any agreement
13 or contract for a public transit project which would result in
14 the ultimate expenditure or commitment of state funds in
15 excess of \$5 million.

16 (5) FUND PARTICIPATION; CAPITAL ASSISTANCE.--

17 (a) The department may fund up to 50 percent of the
18 nonfederal share of the costs, not to exceed the local share,
19 of any eligible public transit capital project or commuter
20 assistance project that is local in scope; except, however,
21 that departmental participation in the final design,
22 right-of-way acquisition, and construction phases of an
23 individual fixed-guideway project which is not approved for
24 federal funding shall not exceed an amount equal to 12.5
25 percent of the total cost of each phase.

26 (b) The Department of Transportation shall develop a
27 major capital investment policy which shall include policy
28 criteria and guidelines for the expenditure or commitment of
29 state funds for public transit capital projects. The policy
30 shall include the following:

31 1. Methods to be used to determine consistency of a

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1 transit project with the approved local government
2 comprehensive plans of the units of local government in which
3 the project is located.

4 2. Methods for evaluating the level of local
5 commitment to a transit project, which is to be demonstrated
6 through system planning and the development of a feasible plan
7 to fund operating cost through fares, value capture techniques
8 such as joint development and special districts, or other
9 local funding mechanisms.

10 3. Methods for evaluating alternative transit systems
11 including an analysis of technology and alternative methods
12 for providing transit services in the corridor.

13

14 ~~The department shall present such investment policy to both~~
15 ~~the Senate Transportation Committee and the House Public~~
16 ~~Transportation Committee along with recommended legislation by~~
17 ~~March 1, 1991.~~

18 (c) The department is authorized to fund up to 100
19 percent of the cost of any eligible transit capital project or
20 commuter assistance project that is statewide in scope or
21 involves more than one county where no other governmental
22 entity or appropriate jurisdiction exists.

23 (d) The department is authorized to advance up to 80
24 percent of the capital cost of any eligible project that will
25 assist Florida's transit systems in becoming fiscally
26 self-sufficient. Such advances shall be reimbursed to the
27 department on an appropriate schedule not to exceed 5 years
28 after the date of provision of the advances.

29 (e) The department is authorized to fund up to 100
30 percent of the capital and net operating costs of statewide
31 transit service development projects or transit corridor

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1 projects. All transit service development projects shall be
2 specifically identified by way of a departmental appropriation
3 request, and transit corridor projects shall be identified as
4 part of the planned improvements on each transportation
5 corridor designated by the department. The project
6 objectives, the assigned operational and financial
7 responsibilities, the timeframe required to develop the
8 required service, and the criteria by which the success of the
9 project will be judged shall be documented by the department
10 for each such transit service development project or transit
11 corridor project.

12 (f) The department is authorized to fund up to 50
13 percent of the capital and net operating costs of transit
14 service development projects that are local in scope and that
15 will improve system efficiencies, ridership, or revenues. All
16 such projects shall be identified in the appropriation request
17 of the department through a specific program of projects, as
18 provided for in s. 341.041, that is selectively applied in the
19 following functional areas and is subject to the specified
20 times of duration:

21 1. Improving system operations, including, but not
22 limited to, realigning route structures, increasing system
23 average speed, decreasing deadhead mileage, expanding area
24 coverage, and improving schedule adherence, for a period of up
25 to 3 years;

26 2. Improving system maintenance procedures, including,
27 but not limited to, effective preventive maintenance programs,
28 improved mechanics training programs, decreasing service
29 repair calls, decreasing parts inventory requirements, and
30 decreasing equipment downtime, for a period of up to 3 years;

31 3. Improving marketing and consumer information

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1 programs, including, but not limited to, automated information
2 services, organized advertising and promotion programs, and
3 signing of designated stops, for a period of up to 2 years;
4 and

5 4. Improving technology involved in overall
6 operations, including, but not limited to, transit equipment,
7 fare collection techniques, electronic data processing
8 applications, and bus locators, for a period of up to 2 years.

9
10 For purposes of this section, the term "net operating costs"
11 means all operating costs of a project less any federal funds,
12 fares, or other sources of income to the project.

13 Section 41. Subsection (1) of section 341.321, Florida
14 Statutes, is reenacted to read:

15 341.321 Development of high-speed rail transportation
16 system; legislative findings, policy, purpose, and intent.--

17 (1) The intent of ss. 341.3201-341.386 is to further
18 and advance the goals and purposes of the 1984 High Speed Rail
19 Transportation Commission Act; to ensure a harmonious
20 relationship between that act and the various growth
21 management laws enacted by the Legislature including the Local
22 Government Comprehensive Planning and Land Development
23 Regulation Act, ss. 163.3161-163.3215, the Florida State
24 Comprehensive Planning Act of 1972, as amended, ss.
25 186.001-186.031, the Florida Regional Planning Council Act,
26 ss. 186.501-186.513, and the State Comprehensive Plan, chapter
27 187; to promote the implementation of these acts in an
28 effective manner; and to encourage and enhance the
29 establishment of a high-speed rail transportation system
30 connecting the major urban areas of the state as expeditiously
31 as is economically feasible. Furthermore, it is the intent of

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1 the Legislature that any high-speed rail line and transit
2 station be consistent to the maximum extent feasible with
3 local comprehensive plans, and that any other development
4 associated with the rail line and transit station shall
5 ultimately be consistent with comprehensive plans. The
6 Legislature therefore reaffirms these enactments and further
7 finds:

8 (a) That the implementation of a high-speed rail
9 transportation system in the state will result in overall
10 social and environmental benefits, improvements in ambient air
11 quality, better protection of water quality, greater
12 preservation of wildlife habitat, less use of open space, and
13 enhanced conservation of natural resources and energy.

14 (b) That a high-speed rail transportation system, when
15 used in conjunction with sound land use planning, becomes a
16 vigorous force in achieving growth management goals and in
17 encouraging the use of public transportation to augment and
18 implement land use and growth management goals and objectives.

19 (c) That urban and social benefits include
20 revitalization of blighted or economically depressed areas,
21 the redirection of growth in a carefully and comprehensively
22 planned manner, and the creation of numerous employment
23 opportunities within inner-city areas.

24 (d) That transportation benefits include improved
25 travel times and more reliable travel, hence increased
26 productivity. High-speed rail is far safer than other modes of
27 transportation and, therefore, travel-related deaths and
28 injuries can be reduced, and millions of dollars can be saved
29 from avoided accidents.

30 Section 42. Subsection (2) of section 341.3333,
31 Florida Statutes, is amended to read:

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1 341.3333 Application for franchise; confidentiality of
2 application and trade secrets.--

3 (2) Each applicant, in response to the request for
4 proposals, shall file its application with the department at
5 the location and within the time and date limitations
6 specified in the request for proposals. Applications filed
7 before the deadline shall be kept sealed by the department
8 until the time and date specified for opening. Such sealed
9 applications shall be confidential and exempt from the
10 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
11 Constitution until such time as the department provides notice
12 of a decision or intended decision pursuant to s. 120.57(3)(a)
13 or until 10 days after application opening, whichever is
14 earlier. Thereafter, the applications are public. However,
15 the applicant may segregate the trade secret portions of the
16 application and request that the department maintain those
17 portions as confidential and exempt from the provisions of s.
18 119.07(1) and s. 24(a), Art. I of the State Constitution. Upon
19 award of a franchise, the franchisee may segregate portions of
20 materials required to be submitted by the department and
21 request that the department maintain those portions as
22 confidential and exempt from the provisions of s. 119.07(1)
23 and s. 24(a), Art. I of the State Constitution. Such portions
24 designated by an applicant or by the franchisee shall remain
25 confidential and exempt from the provisions of s. 119.07(1)
26 only if the department finds that the information satisfies
27 the criteria established in s. 119.15(4)(b)~~3.119.14(4)(b)3.~~

28 Section 43. Paragraphs (a) and (c) of subsection (2)
29 of section 341.352, Florida Statutes, are amended to read:

30 341.352 Certification hearing.--

31 (2)(a) The parties to the certification proceeding

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1 are:

- 2 1. The franchisee.
- 3 ~~2. The Department of Commerce.~~
- 4 ~~2.3.~~ The Department of Environmental Protection.
- 5 ~~3.4.~~ The Department of Transportation.
- 6 ~~4.5.~~ The Department of Community Affairs.
- 7 ~~5.6.~~ The Game and Fresh Water Fish Commission.
- 8 ~~6.7.~~ Each water management district.
- 9 ~~7.8.~~ Each local government.
- 10 ~~8.9.~~ Each regional planning council.
- 11 ~~9.10.~~ Each metropolitan planning organization.

12 (c) Notwithstanding the provisions of chapter 120 to
 13 the contrary, after the filing with the administrative law
 14 judge of a notice of intent to be a party by an agency or
 15 corporation or association described in subparagraph 1. or
 16 subparagraph 2., or a petition for intervention by a person
 17 described in subparagraph 3., no later than 30 days prior to
 18 the date set for the certification hearing, any of the
 19 following entities also shall be a party to the proceeding:

- 20 1. Any state agency not listed in paragraph (a), as to
 21 matters within its jurisdiction.
- 22 2. Any domestic nonprofit corporation or association
 23 that is formed, in whole or in part, to promote conservation
 24 of natural beauty; to protect the environment, personal
 25 health, or other biological values; to preserve historical
 26 sites; to promote consumer interests; to represent labor,
 27 commercial, or industrial groups; to promote economic
 28 development; or to promote the orderly development, or
 29 maintain the residential integrity, of the area in which the
 30 proposed high-speed rail transportation system is to be
 31 located.

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1 348.0005, Florida Statutes, is amended to read:

2 348.0005 Bonds.--

3 (2)

4 (c) Said bonds shall be sold by the authority at
5 public sale by competitive bid. However, if the authority,
6 after receipt of a written recommendation from a financial
7 adviser, shall determine by official action after public
8 hearing by a two-thirds vote of all voting members of the
9 authority that a negotiated sale of the bonds is in the best
10 interest of the authority, the authority may negotiate for
11 sale of the bonds with the underwriter or underwriters
12 designated by the authority and the county in which the
13 authority exists. The authority shall provide specific
14 findings in a resolution as to the reasons requiring the
15 negotiated sale, which resolution shall incorporate and have
16 attached thereto the written recommendation of the financial
17 adviser required by this subsection(4).

18 Section 47. Section 348.0009, Florida Statutes, is
19 amended to read:

20 348.0009 Cooperation with other units, boards,
21 agencies, and individuals.--Express authority and power is
22 given and granted to any county, municipality, drainage
23 district, road and bridge district, school district, or other
24 political subdivision, board, commission, or individual in or
25 of this state to enter into contracts, leases, conveyances, or
26 other agreements within the provisions and purposes of the
27 Florida Expressway Authority Act with an authority. An
28 authority may enter into contracts, leases, conveyances, and
29 other agreements, to the extent consistent with chapters 334,
30 335, 338, and 339, ~~and 340~~, and other provisions of the laws
31 of the state and with 23 U.S.C. ss. 101 et seq., with any

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1 political subdivision, agency, or instrumentality of the state
2 and any and all federal agencies, corporations, and
3 individuals, for the purpose of carrying out the provisions of
4 the Florida Expressway Authority Act.

5 Section 48. Section 348.248, Florida Statutes, is
6 amended to read:

7 348.248 Cooperation with other units, boards,
8 agencies, and individuals.--Express authority and power is
9 given and granted to any county, municipality, drainage
10 district, road and bridge district, school district, or other
11 political subdivision, board, commission, or individual in or
12 of this state to make and enter into contracts, leases,
13 conveyances, or other agreements within the provisions and
14 purposes of this part with the authority. The authority is
15 expressly authorized to make and enter into contracts, leases,
16 conveyances, and other agreements, to the extent consistent
17 with chapters 334, 335, 338, and 339, ~~and 340~~ and other
18 provisions of the laws of this state and with 23 U.S.C. ss.
19 101 et seq., with any political subdivision, agency, or
20 instrumentality of this state and any and all federal
21 agencies, corporations, and individuals, for the purpose of
22 carrying out the provisions of this part.

23 Section 49. Section 348.948, Florida Statutes, is
24 amended to read:

25 348.948 Cooperation with other units, boards,
26 agencies, and individuals.--Express authority and power is
27 given and granted to any county, municipality, drainage
28 district, road and bridge district, school district, or other
29 political subdivision, board, commission, or individual in or
30 of this state to make and enter into contracts, leases,
31 conveyances, or other agreements within the provisions and

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1 purposes of this part with the authority. The authority is
2 expressly authorized to make and enter into contracts, leases,
3 conveyances, and other agreements, to the extent consistent
4 with chapters 334, 335, 338, and 339, ~~and 340~~ and other
5 provisions of the laws of this state and with 23 U.S.C. ss.
6 101 et seq., with any political subdivision, agency, or
7 instrumentality of this state and any and all federal
8 agencies, corporations, and individuals, for the purpose of
9 carrying out the provisions of this part.

10 Section 50. Subsection (3) of section 349.05, Florida
11 Statutes, is amended to read:

12 349.05 Bonds of the authority.--

13 (3) The authority may employ fiscal agents as provided
14 by this chapter or the State Board of Administration may, upon
15 request by the authority, act as fiscal agent for the
16 authority in the issuance of any bonds that may be issued
17 pursuant to this chapter part, and the State Board of
18 Administration may, upon request by the authority, take over
19 the management, control, administration, custody, and payment
20 of any or all debt services or funds or assets now or
21 hereafter available for any bonds issued pursuant to this
22 chapter part. The authority may enter into deeds of trust,
23 indentures, or other agreements with its fiscal agent, or with
24 any bank or trust company within or without the state, as
25 security for such bonds, and may, under such agreements,
26 assign and pledge all or any of the revenues, rates, fees,
27 rentals, or other charges or receipts of the authority,
28 including all or any portion of the Duval County gasoline tax
29 funds received by the authority pursuant to the terms of any
30 lease-purchase agreement between the authority and the
31 department, thereunder. Such deed of trust, indenture, or

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1 other agreement, may contain such provisions as is customary
2 in such instruments or, as the authority may authorize,
3 including, but without limitation, provisions as to:

4 (a) The completion, improvement, operation, extension,
5 maintenance, repair, and lease of, or lease-purchase agreement
6 relating to, the Jacksonville Expressway System, and the
7 duties of the authority and others, including the department,
8 with reference thereto;

9 (b) The application of funds and the safeguarding of
10 funds on hand or on deposit;

11 (c) The rights and remedies of the trustee and the
12 holders of the bonds; and

13 (d) The terms and provisions of the bonds or the
14 resolutions authorizing the issuance of the same.

15 Section 51. Section 378.411, Florida Statutes, is
16 amended to read:

17 378.411 Certification to receive notices of intent to
18 mine, to review and to inspect for compliance.--

19 (1) By petition to the secretary, a local government
20 ~~or the Department of Transportation~~ may request certification
21 to receive notices of intent to mine, to review, and to
22 conduct compliance inspections.

23 (2) In deciding whether to grant certification to a
24 local government, the secretary shall determine whether the
25 following criteria are being met:

26 (a) The petitioning local government has adopted and
27 effectively implemented a local government comprehensive plan.

28 (b) The local government has adequate review
29 procedures and the financial and staffing resources necessary
30 to assume responsibility for adequate review and inspection.

31 (c) The local government has a record of effectively

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1 reviewing, inspecting, and enforcing compliance with local
2 ordinances and state laws.

3 ~~(3) In deciding whether to grant certification to the~~
4 ~~Department of Transportation, the secretary shall request all~~
5 ~~information necessary to determine the capability of the~~
6 ~~Department of Transportation to meet the requirements of this~~
7 ~~part.~~

8 (3)~~(4)~~ In making his or her determination, the
9 secretary shall consult with the Department of Community
10 Affairs, the appropriate regional planning council, and the
11 appropriate water management district.

12 (4)~~(5)~~ The secretary shall evaluate the performance of
13 a local government ~~or the Department of Transportation~~ on a
14 regular basis to ensure compliance with this section. All or
15 part of the certification may be rescinded if the secretary
16 determines that the certification is not being carried out
17 pursuant to the requirements of this part.

18 (5)~~(6)~~ The department shall establish the
19 certification procedure by rule.

20 Section 52. Paragraph (b) of subsection (1) of section
21 427.012, Florida Statutes, is amended to read:

22 427.012 The Commission for the Transportation
23 Disadvantaged.--There is created the Commission for the
24 Transportation Disadvantaged in the Department of
25 Transportation.

26 (1) The commission shall consist of the following
27 members:

28 (b) The secretary of the Department of Children and
29 Family Health and Rehabilitative Services or the secretary's
30 designee.

31 Section 53. Subsection (16) of section 427.013,

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1 Florida Statutes, 1998 Supplement, is amended to read:

2 427.013 The Commission for the Transportation
3 Disadvantaged; purpose and responsibilities.--The purpose of
4 the commission is to accomplish the coordination of
5 transportation services provided to the transportation
6 disadvantaged. The goal of this coordination shall be to
7 assure the cost-effective provision of transportation by
8 qualified community transportation coordinators or
9 transportation operators for the transportation disadvantaged
10 without any bias or presumption in favor of multioperator
11 systems or not-for-profit transportation operators over single
12 operator systems or for-profit transportation operators. In
13 carrying out this purpose, the commission shall:

14 (16) Review and approve memorandums of agreement for
15 the provision ~~provisions~~ of coordinated transportation
16 services.

17 Section 54. Subsection (23) of section 479.01, Florida
18 Statutes, is amended, and subsection (24) of that section is
19 reenacted, to read:

20 479.01 Definitions.--As used in this chapter, the
21 term:

22 (23) "Unzoned commercial or industrial area" means an
23 area within 660 feet of the nearest edge of the right-of-way
24 of the interstate or federal-aid primary system where the land
25 use is not covered by a future land use map or zoning
26 regulation pursuant to subsection~~(3)~~(2), in which there are
27 located three or more separate and distinct industrial or
28 commercial uses located within a 1,600-foot radius of each
29 other and generally recognized as commercial or industrial by
30 zoning authorities in this state. Certain activities,
31 including, but not limited to, the following, may not be so

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1 recognized:

2 (a) Signs.

3 (b) Agricultural, forestry, ranching, grazing,
4 farming, and related activities, including, but not limited
5 to, wayside fresh produce stands.

6 (c) Transient or temporary activities.

7 (d) Activities not visible from the main-traveled way.

8 (e) Activities conducted more than 660 feet from the
9 nearest edge of the right-of-way.

10 (f) Activities conducted in a building principally
11 used as a residence.

12 (g) Railroad tracks and minor sidings.

13 (24) "Urban area" has the same meaning as defined in
14 s. 334.03(32).

15 Section 55. Section 951.05, Florida Statutes, is
16 amended to read:

17 951.05 Working county prisoners on roads and bridges
18 or other public works of the county; hiring out to another
19 county.--The board of county commissioners of the several
20 counties may require all county prisoners under sentence
21 confined in the jail of their respective counties for any
22 offense to labor upon the public roads, bridges, farms, or
23 other public works owned and operated by the county, or on
24 other projects for which the governing body of the county
25 could otherwise lawfully expend public funds and which it
26 determines to be necessary for the health, safety, and welfare
27 of the county, or in the event the county commissioners of any
28 county deem it to the best interest of their county, they may
29 hire out their prisoners to any other county in the state to
30 be worked upon the public roads, bridges, or other public
31 works of that county, or on other projects for which the

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1 governing body of that county could otherwise lawfully expend
 2 public funds and which it determines to be necessary for the
 3 health, safety, and welfare of that county, or they may, upon
 4 such terms as may be agreed upon between themselves and ~~the~~
 5 ~~Division of Road Operations~~ of the Department of
 6 Transportation, lease or let said prisoners to the department
 7 ~~division~~ instead of keeping them in the county jail where they
 8 are sentenced. The money derived from the hire of such
 9 prisoners shall be paid to the county hiring out such
 10 prisoners and placed to the credit of the fine and forfeiture
 11 fund of the county.

12
13

14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 1, line 3, after the first semicolon

17

18 insert:

19 amending ss. 20.23, 206.46, 288.9607, 337.29,
 20 337.407, 338.22, 338.221, 338.223, 338.225,
 21 338.227, 338.228, 338.229, 338.231, 338.232,
 22 338.239, 339.08, 339.175, 339.241, 341.3333,
 23 348.0005, 348.0009, 348.248, 348.948, 349.05,
 24 479.01, F.S.; conforming cross-references;
 25 repealing s. 234.112, F.S., relating to school
 26 bus stops; repealing s. 335.165, F.S., relating
 27 to welcome stations; repealing section 137 of
 28 chapter 96-320, Laws of Florida, relating to
 29 certain uncollectible debts owned by a local
 30 government for utility relocation cost
 31 reimbursements; repealing s. 339.091, F.S.,

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1 relating to a declaration of legislative
2 intent; repealing s. 339.145, F.S., relating to
3 certain expenditures in the Working Capital
4 Trust Fund; repealing s. 339.147, F.S.,
5 relating to certain audits by the Auditor
6 General; amending ss. 311.09, 331.303, 331.305,
7 331.308, 331.331, 334.03, 335.074, 335.182,
8 335.188, 336.044, 337.015, 337.139, 339.2405,
9 341.051, 341.352, 343.64, 343.74, 378.411,
10 427.012, 427.013, 951.05, F.S.; deleting
11 obsolete provisions, and, where appropriate,
12 clarifying provisions; reenacting ss. 336.01,
13 338.222, 339.135(7)(e), 341.321(1), F.S.,
14 relating to designation of county road system,
15 acquisition or construction or operation of
16 turnpike projects, amendment of the adopted
17 work program, and legislative findings and
18 intent regarding development of high-speed rail
19 transportation system;

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